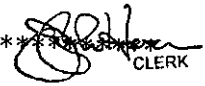


UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

**FILED**  
DEC 03 2007

  
CLERK

\*\*\*\*\*  
DAKOTA TRUCK UNDERWRITERS, \* CIV 06-4139  
\*  
Plaintiff, \*  
\*  
VS. \* ORDER  
\*  
ANNETT HOLDINGS, INC., \*  
\*  
Defendant. \*  
\*\*\*\*\*

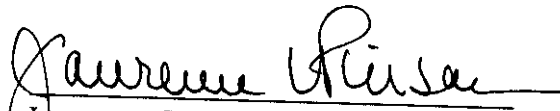
Pending before the Court is a Stipulation for Dismissal of Counterclaim Pursuant to Fed.R.Civ.P. 41(a)(1) and (c), Doc. 41, in which both parties stipulate and agree that the Defendant's Counterclaim against the Plaintiff may be dismissed without prejudice pursuant to Fed.R.Civ.P. 41(a)(1)(ii) and Fed.R.Civ.P.41(c). After consideration of the Stipulation, together with the file in this matter,

IT IS ORDERED:

1. That the Stipulation for Dismissal of Counterclaim Pursuant to Fed.R.Civ.P. 41(a)(1) and (c), Doc. 41, is approved and the Counterclaim of Defendant may be dismissed without prejudice.

Dated this 3rd day of December, 2007.

BY THE COURT:0000

  
Lawrence L. Piersol  
United States District Judge

ATTEST:  
JOSEPH HAAS, CLERK

BY: Shelly Margulies  
DEPUTY